

BEFORE THE STATE TAX APPEAL BOARD
OF THE STATE OF MONTANA

CORNELIUS & VERA S. WALL)	
)	DOCKET NO.: PT-1997-9
Appellants,)	
)	
-vs-)	
)	
THE DEPARTMENT OF REVENUE)	FINDINGS OF FACT,
OF THE STATE OF MONTANA.)	CONCLUSIONS OF LAW,
)	ORDER AND OPPORTUNITY
Respondent.)	<u>FOR JUDICIAL REVIEW</u>

The above-entitled appeal was heard on the 17th day of June, 1998, in the City of Helena, Montana, in accordance with an order of the State Tax Appeal Board of the State of Montana (the Board). The notice of the hearing was given as required by law. The taxpayers, represented by John Wall and Kevin Wall, presented testimony in support of the appeal. The Department of Revenue (DOR), represented by Don Blatt, appraiser, presented testimony in opposition to the appeal. Testimony was presented, exhibits were received, and the Board then took the appeal under advisement; and the Board having fully considered the testimony, exhibits, and all things and matters presented to it by all parties, finds and concludes as follows:

FINDINGS OF FACT

1. Due, proper, and sufficient notice was given of this matter and of the time and place of the hearing. All parties were afforded the opportunity to present evidence, oral and documentary.

2. The property involved in this appeal is described as follows:

West ½ of Lots 21-24, Block 6, Central Addition to Helena and improvements located thereon, Lewis & Clark County, State of Montana (DOR ID #7145).

3. For the 1997 tax year, the DOR appraised the subject property at a value of \$13,680 for the land and \$81,420 for the improvements.

4. The taxpayer filed an AB-26 Property Adjustment Form on September 18, 1997 stating: "Value Too High".

5. The taxpayer appealed to the Lewis and Clark County Tax Appeal Board on September 19, 1997 requesting a value of \$4,000 for the land and \$45,000 for the improvements.

6. On October 2, 1997, the DOR responded to the AB-26. The DOR adjusted the market value of the improvements to \$63,420; the land remained at \$13,680.

7. The county board denied the appeal on October 23, 1997, stating:

Disapproved, Board felt adjustment of \$77,100 made by DOR on AB-26 fair market value.

8. On November 10, 1997 the taxpayer appealed that

decision to this Board stating:

L & C TAB did not give due consideration. This home is 100 years old 1999 - No improvements in 25 years.

9. The value indications before this Board are the values subsequent to the DOR's AB-26 adjustment: land - \$13,680; improvements - \$63,420. The Appeal Form was filed with the local board prior to the DOR's AB-26 adjustment; therefore, the value indications on the AB-26 are prior to any adjustments made by the DOR.

TAXPAYERS' CONTENTION

The taxpayers main contention pertains to the age of the residence and stated the property is approximately 100 years in age. Mr. Wall testified the best quality of the subject property is its location, but the age and condition of the residence are detriments to the value.

DOR'S CONTENTION

Mr. Blatt testified that, based on the observed condition of the residence from an on-site inspection, the value of the structure was reduced from \$81,420 to \$63,420 through the AB-26 process. The value of the land was unchanged.

DISCUSSION

The DOR's value indication was derived by the sales comparison approach. The comparables selected by the Computer Assisted Mass Appraisal System (CAMAS) used to establish the market value for the subject residence are determined to be acceptable by the Board. The taxpayer failed to present any evidence or testimony that the comparables selected by the DOR were not comparable; therefore, the best indication of value for the subject property is that which the DOR presented.

CONCLUSIONS OF LAW

1. The State Tax Appeal Board has jurisdiction over this matter. §15-2-301 MCA

2. §15-8-111 MCA. Assessment - market value standard - exceptions. (1) All taxable property must be assessed at 100% of its market value except as otherwise provided.

3. The appeal of the taxpayers is hereby denied and the decision of the Lewis and Clark County Tax Appeal Board is affirmed.

ORDER

IT IS THEREFORE ORDERED by the State Tax Appeal Board of the State of Montana that the decision of the Lewis and Clark County Tax Appeal Board is upheld and, for the 1997 tax

year, the subject property shall be valued at \$13,680 for the land and \$63,420 for the improvements as determined by the Department of Revenue

Dated this 20th day of July, 1998.

BY ORDER OF THE
STATE TAX APPEAL BOARD

PATRICK E. MCKELVEY, Chairman

(S E A L)

GREGORY A. THORNQUIST, Member

NOTICE: You are entitled to judicial review of this Order in accordance with Section 15-2-303(2), MCA. Judicial review may be obtained by filing a petition in district court within 60 days following the service of this Order.